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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

LIZBETH HANSEN

Plaintiff

vs

WELLS FARGO BANK N.A.

Defendant

Case No. 3:22-cv-27

COMPLAINT

15 U.S.C. § 1681 et seq.
Fair Credit Reporting Act

Demand for Jury Trial

JURISDICTION AND THE PARTIES

1.

This Court has jurisdiction under 15 U.S.C. § 1681p.

2.

Plaintiff Lizbeth Hansen is an individual living in Multnomah County, Oregon and a “consumer” as defined by the Fair Credit Reporting Act (FCRA) at 15 U.S.C. § 1681a(c).

3.

Defendant Wells Fargo Bank N.A. (Wells Fargo) is a national association bank and a person who furnishes information to consumer reporting agencies under the FCRA, 15 U.S.C. § 1681s-2.

FACTUAL ALLEGATIONS

4.

This complaint's allegations are based on personal knowledge as to plaintiff's behavior, and made on information and belief as to the behavior of others.

5.

In September of 2018, plaintiff filed a petition for a Chapter 7 bankruptcy. In January of 2019 plaintiff's credit card debt with Wells Fargo was completely discharged in her Chapter 7 bankruptcy case.

6.

At all times after January of 2019 plaintiff's credit card account with Wells Fargo should have appeared on her credit reports as discharged in bankruptcy and with zero balance owing.

7.

After January of 2019 Wells Fargo furnished false and inaccurate credit information about plaintiff to the credit reporting agencies.

8.

Specifically, after January of 2019 Wells Fargo told the credit reporting agencies that plaintiff's credit card debt was past due, had a balance of \$2,829, and Wells Fargo did not indicate that the debt was discharged in bankruptcy.

9.

After plaintiff discovered Wells Fargo's false and inaccurate information on her credit reports she disputed the information to the credit reporting agencies.

10.

Plaintiff's disputes to the credit reporting agencies contained information that plaintiff's account with Wells Fargo was in fact discharged in bankruptcy with zero balance owing.

11.

The credit reporting agencies notified Wells Fargo of plaintiff's disputes of Wells Fargo's false and inaccurate information.

12.

Wells Fargo failed to conduct a reasonable investigation of plaintiff's disputes, and take the actions it was required to take under the FCRA. Wells Fargo knew that the information about its account on plaintiff's credit reports was false and inaccurate but Wells Fargo did not tell the credit reporting agencies to correct the information on plaintiff's credit reports.

13.

As of the date of this complaint, plaintiff's credit reports still contain false and inaccurate information furnished by Wells Fargo.

14.

Wells Fargo has a pattern and practice of failing to conduct reasonable investigations into credit report disputes that Wells Fargo receives from credit reporting agencies and of failing to remove false and inaccurate information from consumer credit reports even after receiving multiple notices of disputes from credit reporting agencies and consumers.

CLAIMS FOR RELIEF

Claim One

Negligent Noncompliance with the FCRA

15.

As alleged in this complaint, Wells Fargo negligently failed to comply with the requirements of the FCRA. As a result of Wells Fargo's failure to comply with the requirements of the FCRA, plaintiff has suffered and continues to suffer actual damages including emotional distress, economic loss, damage to reputation and creditworthiness, invasion of privacy, wasted time, and interference with plaintiff's normal and usual activities for which plaintiff seeks nominal damages of one dollar.

16.

Plaintiff requests attorney fees under 15 U.S.C. § 1681o(a).

Claim Two

Willful Noncompliance with the FCRA

17.

As alleged in this complaint, Wells Fargo willfully failed to comply with the requirements of the FCRA. As a result of Wells Fargo's failure to comply with the requirements of the FCRA, plaintiff has suffered and continues to suffer actual damages including emotional distress, economic loss, damage to reputation and creditworthiness, invasion of privacy, wasted time, and interference with plaintiff's normal and usual activities for which plaintiff seeks nominal damages of one dollar and punitive damages in an amount determined by the jury.

18.

Plaintiff requests attorney fees under 15 U.S.C. § 1681n(a).

JURY TRIAL DEMAND

19.

Plaintiff respectfully requests a trial by jury.

PRAYER FOR RELIEF

Plaintiff respectfully requests a judgment that Wells Fargo negligently and willfully violated the Fair Credit Reporting Act, and nominal damages of one dollar, punitive damages, attorney fees and costs.

January 6, 2022

RESPECTFULLY FILED,

s/ Michael Fuller

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